

ORDINANCE NO. R- 2015-4

TAX CODE(S) 82-06-25-011-121.040-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 926 S. Cullen Avenue.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Part of the Southwest Quarter of Section Twenty-five (25), Township Six (6) South, Range Ten (10) West, in the City of Evansville, Vanderburgh County, Indiana, more particularly described as follows:
Beginning at the point on the South line of said Quarter, Quarter Section, 1,669.54' East of the Southwest corner thereof, thence North 250' to the point of beginning, thence North 75', thence East 153', thence South 25' to a point, thence East 8', thence South 50'; thence West 161' to the place of beginning.

ALSO KNOWN AS Part of Lots 1, 2, and 5 in Block 3 in Baumgart, it being an unrecorded plat.

Subject to all easements and rights of ways of record.

by changing the zoning classification of the above-described real estate from R-1 to C-2, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on 05/15/2015 at Instrument No.: 2015R00010956. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 11th day of MAY, 2015 **FILED**

FEB 09 2015

Anna Winkler
CITY CLERK

H. San Adams

President

ATTEST:

Ashley Henshagen
City Clerk ~~DEPUTY~~

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the 12th day of MAY, 2015.

Ashley Henshagen
City Clerk ~~DEPUTY~~

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 13th day of MAY, 2015, at 8:00 o'clock AM.

Paul Quince

Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY: Morley and Associates, Inc.
4800 Rosebud Lane
Newburgh IN 47630
812-464-9585

I affirm, under the penalties for perjury, that
I have taken reasonable care to redact each
Social Security Number in this document,
unless required by law.

Bret Seemee

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, John F. Maier. Petitioner, is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as 926 S. Cullen Ave, which real estate is more particularly described as follows, to wit:

Part of the Southwest Quarter of Section Twenty-five (25), Township Six (6) South, Range Ten (10) West, in the City of Evansville, Vanderburgh County, Indiana, more particularly described as follows:

Beginning at the point on the South line of said Quarter, Quarter Section, 1,669.54' East of the Southwest corner thereof, thence North 250' to the point of beginning, thence North 75', thence East 153', thence South 25' to a point, thence East 8', thence South 50'; thence West 161' to the place of beginning.

ALSO KNOWN AS Part of Lots 1, 2, and 5 in Block 3 in Baumgart, it being an unrecorded plat.

WHEREAS, as the real estate is currently classified as an R-1 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-2; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following: Accessory buildings for adjacent Mortuary

2. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such

proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this mon day of Feb 9, 2015 by for the purpose set forth herein.

John F. Maier
Signature

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named John F. Maier who acknowledged the execution of the foregoing Use and Development Commitment to be his free voluntary act and deed.

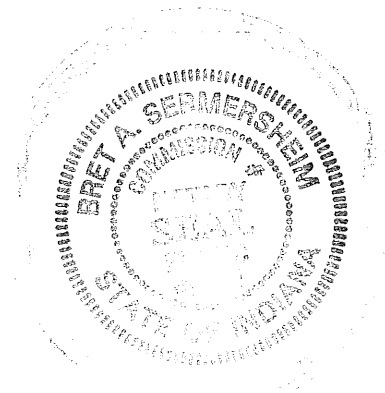
WITNESS my hand and Notarial Seal this day 9th of February, 2015.

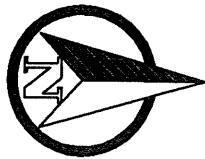
NOTARY PUBLIC

A resident of Vanderburgh County, Indiana.

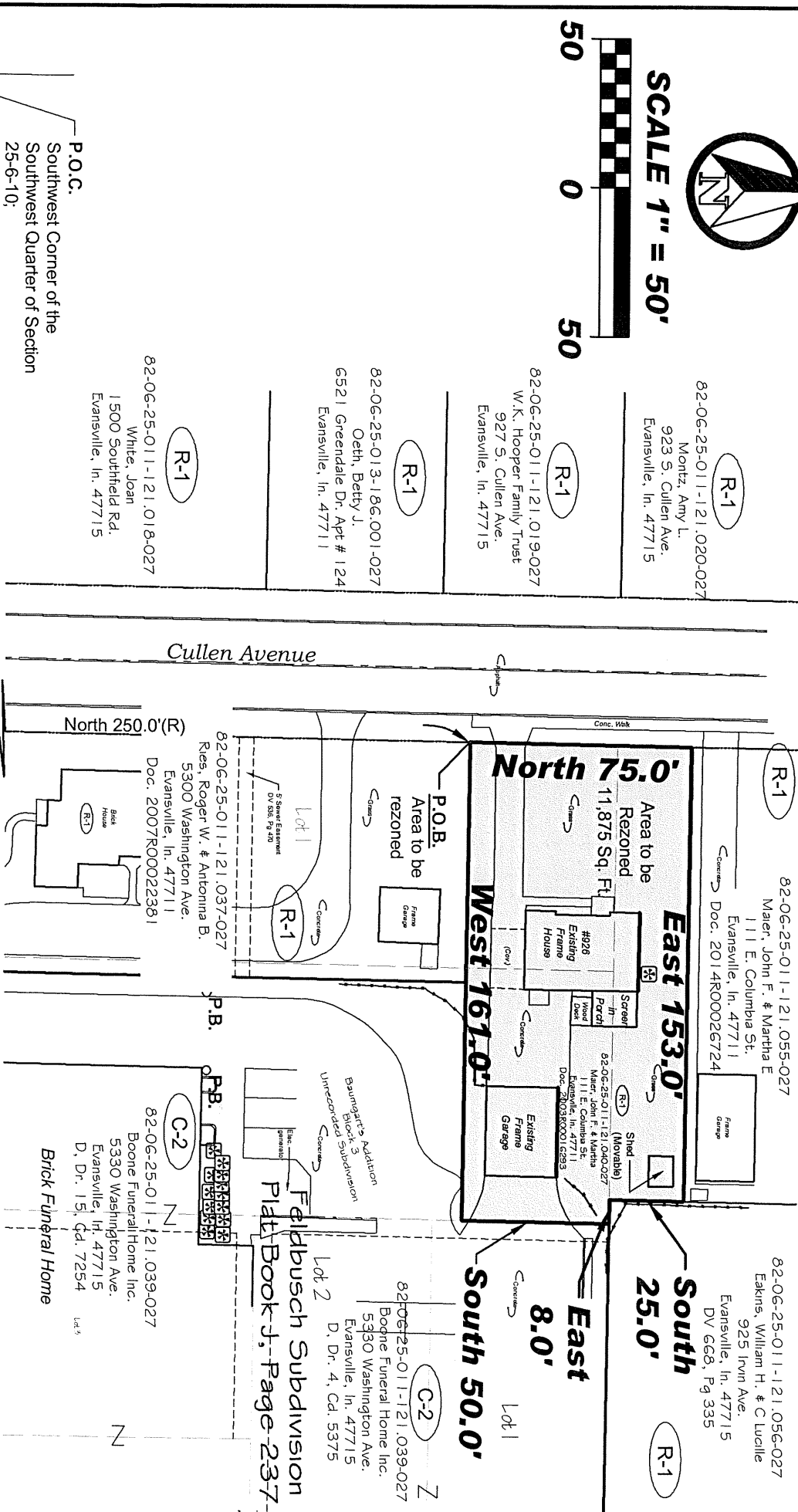
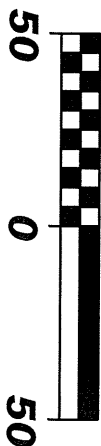
My commission expires: August 5, 2018

This instrument prepared by: Morley and Associates, Inc.
4800 Rosebud Lane
Newburgh IN 47630
812-464-9585





SCALE 1" = 50'



P.O.C.
Southwest Corner of the
Southwest Quarter of Section
25-6-10;

East 1669.54'

Washington Avenue

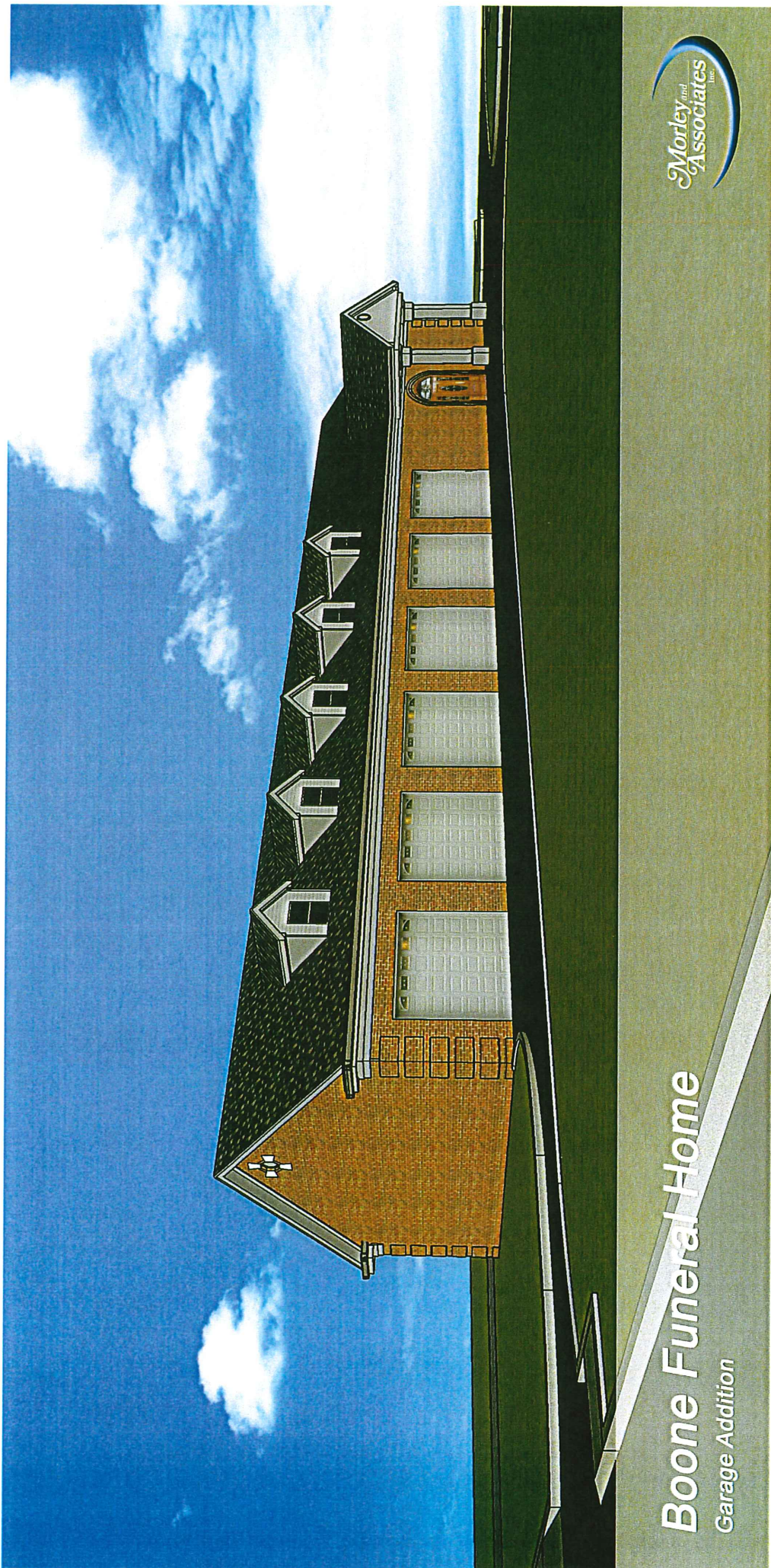
Morley and Associates Inc.

Engineering
Surveying
Architecture
Construction Management

4800 Rosebud Lane
Newburgh, IN 47630
(312) 464-9555
www.morleyandassociates.com

Rezoning Exhibit
R-1 to C-2
926 S. Cullen Ave., Evansville, In.

Checked By:	Job Number:
BAS	5457.4.006A
Drawn By:	Date:
TWC	02/02/2015
Filename:	
5457 Survey Base2015_recover.dwg	



Boone Funeral Home

Garage Addition



VERIFIED PETITION FOR REZONING

2015-6 -PC

Ordinance NO. R- 2015-4

Council District: Dan McGinn -WARD 1

PETITIONER: John F. Maier

PHONE: 812-473-5300

ADDRESS: 111 E. Columbia St., Evansville

ZIP CODE: 47711

OWNER OF RECORD: Maier, John F. & Martha E..

PHONE: 812-473-5300

ADDRESS: 111 E. Columbia St., Evansville

ZIP CODE: 47715

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Vanderburgh County Code of Ordinances.
2. Premises affected are on the east side of Cullen Avenue, a distance of 210 feet north of the corner formed by the intersection of Washington Avenue and Cullen Avenue.

LEGAL DESCRIPTION:

Part of the Southwest Quarter of Section Twenty-five (25), Township Six (6) South, Range Ten (10) West, in the City of Evansville, Vanderburgh County, Indiana, more particularly described as follows:
Beginning at the point on the South line of said Quarter, Quarter Section, 1,669.54' East of the Southwest corner thereof, thence North 250' to the point of beginning, thence North 75', thence East 153', thence South 25' to a point, thence East 8', thence South 50'; thence West 161' to the place of beginning.

ALSO KNOWN AS Part of Lots 1, 2, and 5 in Block 3 in Baumgart, it being an unrecorded plat.

3. The commonly known address is 926 S. Cullen Ave..
4. The real estate is located in the Zone District designated as R-1.
5. The requested change is to (Zone District) C2.
6. Present existing land use is Residential House.
7. The proposed land use is Funeral Home Accessory Building.
8. Utilities provided: (check all that apply)

City Water x Electric x Gas x Storm Sewer x

Sewer: Private _____ Public x Septic _____

9. All attachments are adopted by reference.

10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE Feb 9, 2015
(when signed)

PETITIONER: John F. Maier

PRINTED NAME: John F. MAIER

DATE Feb 9, 2015
(when signed)

OWNER OF RECORD: John F. Maier

PRINTED NAME: John F. MAIER

DATE x Feb 9, 2015
(when signed)

OWNER OF RECORD: x Martha E. Maier

PRINTED NAME: x Martha E. Maier

REPRESENTATIVE FOR PETITIONER Morley and Associates, Inc.
4800 Rosebud Lane
Newburgh, IN 47630
812-464-9585

FILED

FEB 09 2015

Anna Windm
CITY CLERK

S HOOSIER AVE

S CULLEN AVE

IRVIN AVE

POWELL AVE

STEWART AVE

REZONE R-1 TO C-2

R-4

C-2

C-1

C-2

WASHINGTON AVE

R-1

R-5